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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/584,979	10/17/2006	Shiro Ohmura	711/2	2592

27538   7590   02/04/2008
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EXAMINER
COLLINS, MICHAEL

ART UNIT	PAPER NUMBER
3651	

MAIL DATE	DELIVERY MODE
02/04/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

		Application No.	Applicant(s)
Office Action Summary		10/584,979	OHMURA ET AL.
		Examiner	Art Unit
		Michael K. Collins	3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>17 October 2006</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>13-29</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>13-29</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some *   c)☐ None of:

        1.☒ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>9/25/06, 7/27/06, 6/30/06</u>.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   Claim 13-29 rejected under 35 U.S.C. 102(b) as being anticipated by JP 11-

206855 to TOSHO:KK.

Regarding claim 13, Tosho discloses an automatic drug dispenser comprising:

- a drug cassette which ejectably accommodates drugs (see abstract);

- a base unit which detachably supports the drug cassette and drives a motor to

  eject drugs (see abstract);

- a drug feeder storage which is designed to store a large number of base units;

- a reading device which is provided in each of the base units and reads

  identification information assigned to the drug cassette; and

- a checking means which compares a result of reading with pre-stored check

  data, wherein

- a set of a microprocessor and a memory, or a microprocessor with a built-in

  memory is mounted in each of the base units, and the checking means and the

  check data are built in each microprocessor in a distributed manner.

Regarding claim 14, Tosho discloses the automatic drug dispenser according to claim 13, wherein, if the result of comparison indicates matching failure, the base unit suspends motor-driven ejection and causes associated information to be output.

Regarding claim 15, Tosho discloses the automatic drug dispenser according to claim 13, further comprising an overwriting means which overwrites the check data with the identification information read by the reading device.

Regarding claim 16, Tosho discloses 16. (new) The automatic drug dispenser according to claim 14, further comprising an overwriting means which overwrites the check data with the identification information read by the reading device.

Regarding claim 17, Tosho discloses the automatic drug dispenser according to claim 13, wherein the base unit is provided with a plurality of indicators, the microprocessor is provided with a communication means, and at least one of the indicators displays a drug ejection enabled state and at least one other of the indicators displays a communication enabled state indicating that communication is enabled in the microprocessor.

Regarding claim 18, Tosho discloses the automatic drug dispenser according to claim 14, wherein the base unit is provided with a plurality of indicators, the microprocessor is provided with a communication means, and at least one of the indicators displays a drug ejection enabled state and at least one other of the indicators displays a communication enabled state indicating that communication is enabled in the microprocessor.

Regarding claim 19, Tosho discloses 19. (new) The automatic drug dispenser

according to claim 15, wherein the base unit is provided with a plurality of indicators, the microprocessor is provided with a communication means, and at least one of the indicators displays a drug ejection enabled state and at least one other of the indicators displays a communication enabled state indicating that communication is enabled in the microprocessor.

Regarding claim 20, Tosho discloses 20. (new) The automatic drug dispenser according to claim 16, wherein the base unit is provided with a plurality of indicators, the microprocessor is provided with a communication means, and at least one of the indicators displays a drug ejection enabled state and at least one other of the indicators displays a communication enabled state indicating that communication is enabled in the microprocessor.

Regarding claim 21, Tosho discloses a drug feeder comprising:

- a drug cassette which ejectably accommodates drugs (see abstract); and

- a base unit which detachably supports the drug cassette and drives a motor to eject the drugs, wherein the base unit comprises:

- a reading device which reads identification information assigned to the drug cassette;

- a set of a microprocessor and a memory, or a microprocessor with a built-in memory, wherein

- a checking means which compares check data stored in the memory with a result of reading by the reading device is built in the microprocessor, and wherein

- a check bypassing means which temporarily suspends checking function is built in the microprocessor (see abstract).

Regarding claim 22, Tosho discloses the drug feeder according to claim 21, wherein the check bypassing means includes a means for saving the check data and a means for restoring the check data or includes a means for updating a flag for switching between different operations of the check bypassing means.

Regarding claim 23, Tosho discloses an automatic dispenser comprising:

- a drug cassette which ejectably accommodates drugs (see abstract);

- a base unit which detachably supports the drug cassette and drives a motor to eject drugs;

- a drug feeder storage which accommodates a large number of base units;

- a reading device which is provided in each of the base units and reads identification information assigned to the drug cassette; and

- a checking means which compares a result of reading with pre-stored check data, wherein

- a set of a microprocessor and a memory, or a microprocessor with a built-in memory is mounted in each of the base units, and wherein,

- in addition to the checking means which compares check data stored in the memory with a result of reading by the reading device, a check bypassing means which temporarily suspends checking function is built in the microprocessor (see abstract).

Regarding claim 24, Tosho discloses the automatic drug dispenser according to claim 23, wherein an overwriting means which overwrites the check data with the identification information read by the reading device is built in the microprocessor.

Regarding claim 25, Tosho discloses the automatic drug dispenser according to claim 24, wherein the microprocessor mounted in the base unit of a first group activates the check bypassing means instead of activating the overwriting means, and the microprocessor mounted in the base unit of a second group activates the overwriting means instead of activating the check bypassing means.

Regarding claim 26, Tosho discloses the automatic drug dispenser according to claim 23, wherein the check bypassing means includes a means for saving the check data and a means for restoring the check data or includes a means for updating a flag for switching between different operations of the check bypassing means.

Regarding claim 27, Tosho discloses the automatic drug dispenser according to claim 24, wherein the check bypassing means includes a means for saving the check data and a means for restoring the check data or includes a means for updating a flag for switching between different operations of the check bypassing means.

Regarding claim 28, Tosho discloses the automatic drug dispenser according to claim 25, wherein the check bypassing means includes a means for saving the check data and a means for restoring the check data or includes a means for updating a flag for switching between different operations of the check bypassing means.

Regarding claim 29, Tosho discloses an automatic dispenser comprising:

- a drug cassette which ejectably accommodates drugs;

- a base unit which detachably supports the drug cassette and drives a motor to eject drugs;

- a drug feeder storage which accommodates a large number of base units;

- a reading device which is provided in each of the base units and reads identification information assigned to the drug cassette;

- a checking means which compares a result of reading with pre-stored check data; and

- a drug dispensing controller which prepares a drug ejection instruction by referring to prescription data or drug dispensing data derived therefrom and which uses the instruction for motor-driven ejection by the base unit, wherein

- the base units are classified in a first group comprising a relatively large number of base units and a second group comprising a relatively smaller number of base units, and wherein

- the drug dispensing controller preparing the drug ejection instruction includes, in the drug ejection instruction addressed to the first group, a drug feeder storage address related to the drug feeder storage, and includes, in the drug ejection instruction addressed to the second group, the check data.

Regarding claim 30, Tosho discloses the automatic drug dispenser according to claim 29, wherein a set of a microprocessor and a memory, or a microprocessor with a built-in memory is mounted in each of the base units, and the checking means and the check data are built in each microprocessor in a distributed manner, and wherein the microprocessor mounted in the base unit of the second group is provided with and

activates an operably built-in overwriting means which overwrites the check data with

the identification information read by the reading device, and the microprocessor

mounted in the base unit of the first group is not provided with an overwriting means or

does not activate the overwriting means.

Conclusion

3.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Michael K. Collins whose telephone number is (571)

272-8970. The examiner can normally be reached on 8:30 am - 5:00 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Gene O. Crawford can be reached on (571) 272-6911. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

M.K.C.
1/07/2008